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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,786	07/03/2003	Frederick Thomas Pearson		7005

7590 03/20/2007
Kent R. Moore
Kent R. Moore, P.C.
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Soddy-Daisy, TN 37379

EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/613,786

Applicant(s)

PEARSON, FREDERICK THOMAS

Examiner

Michelle (Shelley) Clement

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,12 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,4,6-9 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/28/06 have been fully considered but they are not persuasive. Applicant's amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant is mistaken in the contention that Lin does not disclose "at least one additional tube section having an outer diameter that is larger than the inner diameter of the distal end of the first tube section" and furthermore does not disclose that the at least one additional tube section "frictionally connects to the distal end of the first tube section". Lin discloses the proximal end of the at least one additional tube section having an outer diameter that is larger than the inner diameter of the distal end of the first tube section (Figures 10A and 11) See examiner's notes on Figure 11 below clearly showing that the proximal end of the at least one additional tube section has an outer wall having an outer diameter that is larger than the inner diameter of the distal end of the first tube section, it is noted that wedge portions 54 and 55 are part of the tube sections (column 4, lines 43-50) and therefore part of the diameter of the tube sections that constitute the inner and outer diameters of the tube sections. When these two sections interact with each other, as shown in figure 11, the one wedge rubs against the other wedge, i.e. they frictionally connect (frictional forces always exist between two objects that are in contact and the wedge shaped portions of the tube sections of Lin are in contact (column 4, lines 43-50 and figures 10A and 11)), the fact that they additionally have a normal force between them is irrelevant. It appears that applicant is attempting to redefine the term or to narrowly

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interpret the claims. Applicant's arguments with respect to newly added claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

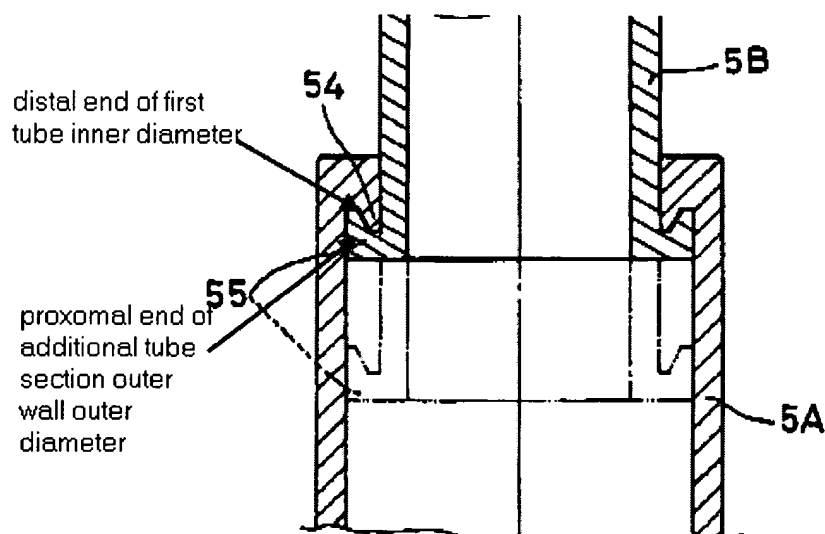
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US Patent # 6,091,597), Larsen et al. (US Patent # 3,362,711), and Henderson et al. (US Patent # 3,998,459). Lin discloses a shock defense device comprising a first tube section (reference 4 and 5A) comprising a power source (column 3, lines 10-14) electrically connected to a high voltage generator, a first tube section (reference 5B) having a base section and a distal end, at least one additional tube section (references 5B and 5C) having a proximal end and a distal end and being disposed within the first tube section (column 3, lines 14-25), the proximal end of the at least one additional tube section having an outer diameter that is larger than the inner diameter of the distal end of the first tube section (Figures 10A and 11) (See examiner's notes on Figure 11 below clearly showing that the proximal end of the at least one additional tube section has an outer wall having an outer diameter that is larger than the inner diameter of the distal end of the first tube section, it is noted that wedge portions 54 and 55 are part of the tube sections and therefore part of the diameter of the tube sections that constitute the inner and outer diameters of the tube sections, when these two sections interact with each other as shown in figure 11 the one wedge

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rubs against the other wedge, i.e. they frictionally connect (frictional forces always exist between two objects that are in contact) , the fact that they additionally have a normal force between them is irrelevant) and having a connection means to connect to the first tube section, said distal end comprising a conductive probe (references 53, 53' or 121), for delivering a high-voltage shock, electrically connected to the output of the high voltage generator (column 3, lines 1-25), and deployment means (column 3, lines 14-20) to extend the at least one additional tube section from its position as being disposed within the first tube section to an extended position the proximal end of the at least one additional tube section frictionally connects to the distal end of the first tube section (Figures 10A and 11). The device comprising a first conductive lead (references 51 and 51' and 121(+ & -)), placed along the length of the exterior of the first tube section, electrically connected to the output of the circuit. The device further comprising a second conductive lead being placed along the length of the exterior of the at least one additional tube section (references 52 and 52' and 121 (+ and -)). The conductive probe is electrically connected to the output of the circuit through the first conductive lead (column 3, lines 14-65).



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Although Lin does not expressly disclose the high voltage generator comprising a voltage step-up circuit having an output of stepped-up voltage relative to the power source, Henderson et al. does. Henderson et al. teaches that it is well known to use a step-up transformer to convert a direct low voltage source to a high voltage (column 2, lines 9-25) for use in shocking devices. Lin and Henderson et al. are analogous art because they are from the same field of endeavor: electric shocking devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the step-up transformer as taught by Henderson et al. with the shock device as taught by Lin. The suggestion/motivation for doing so would have been to obtain a shocking device that would work on easily obtain low-voltage batteries. Although it appears that the end of the structure of Lin composed of an electrically conductive material, Lin does not expressly disclose the end comprising a conductive probe, Larsen et al. does. Larsen et al. teaches a shock device with electric shock means comprising electrically conductive leads along the length of a tube section and electrically conductive probes (reference 32a and 32b) at the end of the structure for delivering a high-voltage shock. Lin and Larsen et al. are analogous art because they are from the same field of endeavor: electric defense shocking devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the end conductive probes as taught by Larsen et al. with the device as taught by Lin and modified by Henderson et al. The suggestion motivation for doing so would have been to obtain an electric shock device that could be used with increased efficiency as a weapon in hand-to-hand fights as suggested by Larsen et al.

4. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US Patent # 6,091,597), Larsen et al. (US Patent # 3,362,711), and Henderson et al. (US Patent #

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3,998,459) as applied to claim 12 above, and further in view of Strodtman (US Patent # 5,287,255). Although Lin does not expressly disclose the tube section having the specific tapers and taper rate, Strodtman does. Strodtman teaches a telescoping defense device wherein the first tube section is tapered along at least a portion of the length of the first tube section, the taper beginning with the smallest diameter of the taper at the distal end of the first tube section, the at least one additional tube section is tapered along at least a portion of the length of the additional tube section, the taper beginning with the largest diameter of the taper at the proximal end of the additional tube section, wherein the rate of the taper of the first tube section is equal to the rate of taper of the at least one additional tube section in order to rapidly deploy the telescoping defense device. Lin, Larsen et al., Henderson et al. and Strodtman are analogous art because they are from the same field of endeavor: defense devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the tapered telescoping tube sections as taught by Strodtman with the telescoping shock defense device as taught by Lin as modified by the suggestions of Larsen et al. and Henderson et al. The suggestion/motivation for doing so would have been to obtain a shocking defense device that could be carried compactly yet quickly deployed as suggested by Strodtman at column 3, lines 6-9.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rowan (US Patent # 4,884,809).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

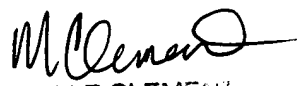
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MICHELLE CLEMENT
PRIMARY EXAMINER